UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

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Ex parte THOMAS LENZ, JURG MOLLENHOFF, and
OTOMAR STRUWE

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Appeal 2006-3298
Application 09/618,853
Technology Center 3600

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Decided: November 27, 2007

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Before TERRY J. OWENS, MURRIEL E. CRAWFROD, and
JENNIFER D. BAHR, *Administrative Patent Judges*.

OWENS, *Administrative Patent Judge*.

DECISION ON APPEAL

The Appellants appeal from a rejection of claims 1-9, which are all of
the pending claims.

THE INVENTION

The Appellants claim a method for adjusting the normal drive slip value of a vehicle's anti-spin regulation (ASR) system. Claim 1 is illustrative:

> 1. In a vehicle equipped with an ASR system and operating in a rear wheel drive mode, a method for adjusting the normal drive slip value of the ASR system, comprising
>
> (a) evaluating dynamic values associated with the front wheels of the vehicle, and
>
> (b) if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels.

THE REFERENCE

Schramm   US 5,884,719   Mar. 23, 1999

THE REJECTION

Claims 1-9 stand rejected under 35 U.S.C. § 102(a) as anticipated by Schramm.

OPINION

We reverse the Examiner's rejection. We need to address only the sole independent claim, i.e., claim 1. That claim requires that "if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels."

"Anticipation requires that every limitation of the claim in issue be disclosed, either expressly or under principles of inherency, in a single prior

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art reference." *Corning Glass Works v. Sumitomo Elec. U.S.A., Inc.*, 868
F.2d 1251, 1255-56 (Fed. Cir. 1989).

Schramm discloses a method and apparatus "for drive slip control
wherein the engine torque is reduced when the actual slip exceeds a
predetermined desired slip which is adjustable as a function of a measured
operating variable" (col. 1, ll. 5-8). Schramm averages the wheel speeds of
the non-driven wheels of a rear-wheel drive vehicle to obtain a reference
velocity (col. 2, l. 63 – col. 3, l. 1; col. 3, ll. 28-31). The speeds of the drive
wheels are compared with the reference velocity to obtain the actual drive
slip at the drive wheels (col. 3, ll. 31-35). The desired drive slip is
determined in desired value former 62 and "is adjusted in accordance with
the position of the gas pedal, the engine rpm's, or the driver's command
derived from the position of the gas pedal and the engine rpm's" (col. 3,
ll. 35-36; 41-44). The desired drive slip is compared with the current actual
drive slip, and an output signal is generated when the actual value exceeds
the desired value by an excessive amount, i.e., a certain tolerance value
(col. 3, ll. 44-48). A drive slip controller receives that signal and forms an
output signal for reducing the engine torque in accordance with a
predetermined control strategy so that the actual slip approaches the desired
slip (col. 3, ll. 48-52).

The Examiner argues (Ans. 5-6):

Schramm et al. point out the following which [sic] "the speeds of the
non-driven wheels are sent to reference value former 28, which
calculates a reference velocity V_{FZG} for the drive slip control by
averaging the two wheel speed signal values. In comparators 32, 36,

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the speeds of the drive wheels are compared with the reference velocity which has been found to determine the actual drive slip at the drive wheels of the vehicle". From that teaching, an ordinary skill in the art [sic] would understand Schramm et al. disclose the system and method that comprises the step "if the dynamic values associated with the front wheels exceed a threshold value, increasing the normal drive slip value of the rear wheels."

The Examiner does not point out where Schramm discloses determining whether dynamic values associated with the front (non-driven) wheels exceed a threshold value. Assuming that Schramm's front wheel velocities correspond to the Appellants' dynamic values, Schramm's disclosure is that the dynamic values are used as a reference value for determining the actual drive slip (col. 3, ll. 28-35). That does not appear to be a disclosure that a determination is made as to whether the dynamic values exceed a threshold value.

Hence, the Examiner has not established a prima facie case of anticipation of the Appellants' claimed invention.

DECISION

The rejection of claims 1-9 under 35 U.S.C. § 102(a) over Schramm is reversed.

REVERSED

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